

California Department of Social Services
Manual of Policies and Procedures, Division 31
Dual Status Youth Regulations

Sections affected: 31-002(d)(5) and 31-540

Justification for Changes Without Regulator Effect

This is an editorial package to be filed pursuant to California Code of Regulations (CCR), Title 1, Section 100. These regulatory amendments make the regulations consistent with Family Code Section 7601 and, otherwise, do not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any CCR provisions. These amendments are without regulatory effect because they make regulatory provisions consistent with changes to California statutes.

These regulatory amendments are necessary to comply with Assembly Bill (AB) 129 (Chapter 468, Statutes of 2004) which defines "dual status youth," instructs social workers and probation officers on how they must define and assess dual status youth, how to make recommendations regarding dual status youth to the juvenile court, and ensures that social workers and probation officers know the proper protocols and assessment techniques regarding dual status youth.

Before the enactment of AB 129, Welfare and Institutions Code (WIC) section 241.1(a) provided that when a child appeared to come within the description of both a dependent and a ward of the court, probation and social services were to determine which status would serve the best interests of the minor and the protection of society. Courts were prevented from making a youth simultaneously both a dependent and a ward of the court, which presented the court with significant challenges in serving certain youth and families. For example, when a child has successfully completed probation but does not have a safe home to return to, the court, in the absence of dual status, may retain delinquency jurisdiction in order to maintain the child in an out-of-home placement. This could result in a child being placed in a more restrictive setting than necessary and being subject to the stigma of being on probation for a longer period than a child who has a home to return to.

The single status requirement also was viewed as hampering the ability of the courts, probation and child welfare to address family issues in a holistic manner. In the dependency system, interventions historically have focused on the parents' maltreatment of the child, whereas in the delinquency system, interventions have focused on the child's criminal activity. Dual status was viewed by its supporters as a way to provide more comprehensive services to families with multiple issues, utilizing the resources available to both the probation department and child welfare services to allow parents who have been found to be abusive or neglectful to be held accountable at the same time that their children's illegal behavior is addressed.